

# California Integrated Waste Management Board

## Board Meeting

February 15-16, 2005

### AGENDA ITEM 2 (Revised)

#### ITEM

Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The San Martin Transfer & Recycling Station, Santa Clara County

#### I. ISSUE/PROBLEM STATEMENT

1. This item requests Board concurrence on the new San Martin Transfer & Recycling Station solid waste facilities permit.
2. Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a full solid waste facilities permit. A proposed permit for this facility was submitted to the Board on October 28, 2004. The LEA withdrew the proposed permit on November 18, 2004. The proposed permit for this facility was resubmitted to the Board on January 14, 2005. The date for submittal of a proposed permit that would allow a full 60 days for Board review prior to the February Board meeting was December 18, 2005. The Board has until March 15, 2005 to act on this permit.

#### II. ITEM HISTORY

- The facility is operating under a Registration permit as a medium volume transfer/processing facility.
- Compliance History:
  - 2000 - 2 State Minimum Standards (SMS) and 12 permit violations
  - 2001 - 5 SMS and 11 permit violations
  - 2002 - 2 SMS and 3 permit violations
  - 2003 - 1 SMS and 0 permit violations
  - 2004 - 4 SMS and 3 permit violations (January - November)

The fourteen violations of the State Minimum Standard (SMS) from 2000 through 2004 and twenty-nine permit violations from 2000 through 2004 are explained on Page 5, in the Consistency with the SMS portion of this agenda item.

#### III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Concur in the issuance of the proposed permit as submitted by the LEA.
2. Object to the issuance of the proposed permit as submitted by the LEA and direct staff to inform the LEA in writing of the reason for objection.
3. Take no action on the proposed permit as submitted by the LEA. If the Board chooses this option, the Board shall be deemed to have concurred in the issuance of the proposed permit 60 days after the Board's receipt of the permit.

#### IV. STAFF RECOMMENDATION

Staff recommend that the Board adopt option one, and concur in the issuance of the proposed permit. ~~two, object to the issuance of the proposed permit, as the LEA has not provided the required findings pursuant to Title 27 Section 21685(b)(9).~~

**V. ANALYSIS**

**A. Key Issues and Findings**

Facility Name: San Martin Transfer & Recycling Station  
Facility No. 43-AA-0003

Facility Type: New Large Volume Transfer/Processing Station

Location: 14070 Llagas Av., San Martin, California

Setting: The surrounding land uses are zoned rural residential and agricultural. The site is bounded to the north and east by agricultural land. Llagas Creek borders the site to the south. Beyond Llagas Creek is a light industrial facility and equipment yard. Llagas Avenue and an agricultural food processing facility border the western property boundary. The nearest residence is over 1,000 feet to the north. Part of the expanded facility is over the closed San Martin Landfill.

Operational Status: Registration permit, active

Current Acreage: 7.3 acres

Proposed Acreage: 8.3 acres

Current Hours of Operation: Non-public Waste Receipt: 6:00 a.m. to 6:00 p.m., Monday - Sunday and Public Waste Receipt: 8:00 a.m. to 4:30 p.m., Monday - Sunday

Proposed Hours of Operation: Non-public Waste Receipt: 6:00 a.m. to 6:00 p.m., Monday – Sunday and Public Waste Receipt 8:00 a.m. to 4:30 p.m. Monday – Saturday and from 8:00 a.m. to 12:00p.m. on Sunday

Current tonnage: 100 tons per day

Proposed tonnage: 500 tons per day

Current Traffic Volume: Incoming Waste Material: 300 Vehicles Per Day Weekdays  
400 Vehicles Per Day Weekend Days; Outgoing Waste Material: 10 Vehicles Per Day

Proposed Traffic Volume: 495 Vehicles Per day

Operator: Mr. Dave Vaughn, General Manager  
South Valley Disposal & Recycling, Inc.

Owner: Mr. Archie Humphrey, Vice President  
Sunset Properties, Inc.

LEA: Mr. Ben Gale, Director  
County of Santa Clara  
Department of Environmental Health

### **Background**

The facility consists of a two-sided building for solid waste and an adjacent three sided building for curbside recyclables. A portion of the facility area is located on the San Martin Landfill which closed under Regional Water Quality Control Board requirements in effect at the time of closure (pre-1988). The Regional Water Quality Control Board staff are aware of the post closure land use changes being proposed.

The facility was originally operating under a full permit issued in 1987. The 1987 permit stated that the facility was allowed an average of 56 tons per day. In April 2004 the operator was issued a registration permit as a medium volume transfer / processing facility, which allowed up to 100 tons per day. This permit superseded the previously issued permit.

### **Key Issues**

The proposed new permit is to allow the following changes:

- Operation of the San Martin Transfer & Recycling Station as a large volume transfer/processing facility;
- maximum traffic volume of 495;
- maximum daily tonnage of 500;
- maximum of 8.3 acres; and
- requires the facility to cease all activities within five years.

### **LEA Certification:**

The LEA has indicated the following:

- The permit application package is complete and correct;
- The Transfer/Processing Report (TPR) meets the requirements of Title 14, CCR, Section 18221.6; and
- An Environmental Impact Report, State Clearinghouse No. 2002052087 ~~is scheduled to be~~ was certified heard at the County of Santa Clara Planning Commission meeting on February 3, 2005. On February 4, 2005 the LEA provided their final determination that the proposed permit is consistent with and is supported by Alternative No. 4 included in the EIR.

### **Staff Analysis:**

The following table summarizes Board staff's review and analysis of the proposed permit application package:

<b>43-AA-0003</b> Summary of Board Findings	Accept- able	Unaccept- able	To Be Deter- mined	Not Applic- able	See Details Below
CIWMP Conformance (PRC 50001)	√				<b>1</b>
Consistency With State Minimum Standards	√				<b>2</b>
TPR Completeness	√				<b>3</b>
California Environmental Quality Act	√	✗			<b>B</b>

1. Conformance with County Integrated Waste Management Plan (CIWMP):  
Public Resources Code (PRC) Section 50001 requires that the location of any new or expanded non-disposal facility be identified in the applicable jurisdiction's Non-disposal Facility Element (NDFE) for the proposed permit. Staff of the Board's Office of Local Assistance (OLA) have determined that the San Martin Transfer &

Recycling Station is identified in the County of Santa Clara's NDFE, and therefore, find that the proposed permit is in conformance with the County's NDFE.

2. Consistency with State Minimum Standards (SMS):

A review of the LEA's inspection reports submitted for the last six months indicates that the LEA found the site consistently in compliance with the SMS. Board staff conducted an inspection at the facility with the LEA on September 28, 2004 and found that the facility operation was consistent with the applicable SMS.

The 14 violations of the SMS the LEA cited from 2000 through 2004 were for issues related to vectors, recording keeping and equipment. The 29 permit violations the LEA cited from 2000 through 2004 were for the operator exceeding its permitted maximum daily and monthly tonnages and traffic volume at the facility. No violations were noted in July and August, 2004.

It is staff's understanding that permit violations at the facility were avoided in part of 2004 because some of the waste was diverted to the Pacheco Pass Landfill. In May 2004, the operator of the Pacheco Pass Landfill submitted amendments to the landfill's Report of Disposal Information (RDSI) to establish a separate transfer facility at Pacheco Pass Landfill to receive and transfer waste to other landfills. The amendment indicated that the waste would be a portion of the waste being received at the San Martin facility. The amendment specified that the transfer facility at Pacheco Pass Landfill would only operate until such time as the San Martin Transfer & Recycling Station's proposed full permit was issued or within five years of the RDSI amendment approval, whichever came first.

In June 2004, the LEA approved the RDSI amendment and did not require the permit to be revised to allow the transfer facility at the Pacheco Pass Landfill. However, immediately upon learning of the LEA's action and in a follow up letter sent in August 2004, Board staff indicated to the LEA that allowing the transfer facility at the landfill was not authorized by the permit and that a revision to the permit should be completed to allow the activity. The LEA retracted its approval on August 26, 2004 and indicated that the Pacheco Pass Landfill operator should cease the activity and apply for a permit revision. The operator has appealed the LEA decision and a hearing has been scheduled for February 2005. The transfer activity at the landfill has continued.

3. TPR Completeness:

Board staff have reviewed the Transfer/Processing Report and determined the document meets the requirement of 14 CCR, section 18221.6.

**B. Environmental Issues**

1. The County of Santa Clara Planning Office, acting as Lead Agency, has prepared and circulated the following environmental document for the San Martin Transfer Station:

A Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2002052087, was circulated via the State Clearinghouse for a review period from July 27, 2004 through September 9, 2004. When this item was written the Final Environmental Impact Report (FEIR) containing the responses to comments on the DEIR had not yet been made available to staff.

The DEIR describes an increase in tonnage to a maximum daily peak load of 1,100 tons per day. Day and hours of operation will be 7 days a week, inbound and outbound waste hauling trucks and on-site operations of 6:00AM to 6:00PM, public hours of 8:00AM to 4:30PM Monday through Saturday, and from 8:00AM to 12:00PM on Sunday. The DEIR also describes a substantial expansion of transfer station building and recycling operations; the addition of an organics transfer building; construction of public drop off; vehicle wash and parking areas; modifications for on site traffic and drainage; and relocation of administration and maintenance facilities to a parcel of land located south of the existing facility.

~~At the time this item was written it was staff's understanding that the Santa Clara County Planning Commission was scheduled to hear an item for the project on February 3, 2005. As the Final EIR could not be certified until February 3, 2005, staff would not expect the LEA to provide the required finding pursuant to Title 27 21685(b)(9) prior to that time.~~

~~At the time this item is being written Board staff are recommending that the Board find that the requirement of PRC 44009 (a) (2) has not been met because California Code of Regulations, Section 21685 has not been met. Section 21685 states in part that "the CIWMB shall not concur in issuance of the proposed permit if the following information, if applicable, has not been submitted to the EA and the CIWMB pursuant to PRC section 44009," and additionally, Section 21685(b)(9) refers to "the EA finding that existing CEQA documentation is consistent with and supports the proposed permit and RFI or supporting information indicating the EA has found that approval of the proposed permit would not lead to any adverse environmental impacts and is exempt from the requirements of CEQA." As indicated, the LEA has not provided the required finding.~~

~~Additionally as the environmental review process by the lead agency had not been completed at the time this item was written, Board staff cannot recommend the use of DEIR to support the Board's action on the proposed permit.~~

On February 3, 2005 the Santa Clara County Planning Commission certified the EIR approving Alternative No. 4 as described in the EIR. The Planning Commission found that all potentially significant effects were mitigated to less than significant with the approval of Alternative No. 4.

The Use Permit issued by the Commission indicates that Alternative No. 4 includes: a maximum traffic volume of 495 with a peak of 110 company truck/trailers and 385 public self-haul vehicles on weekdays and 495 public self-haul vehicle on weekends; maximum daily tonnage of 500 tons of municipal solid waste, construction waste, food waste, recyclables, motor oil, inert materials, white goods, and universal wastes; maximum of 8.3 acres; requires the facility to cease all activities within five years; and does not allow any alterations to the site except for on-site traffic circulation.

Board staff find that the record of approval created by the Lead Agency indicates that food wastes as a separate waste stream will not be received at the site. If food waste is handled at the site additional mitigations would be required to be

implemented to avoid odor. Green waste will continue to be handled at the site and will continue to be removed within 7 days. The adopted Mitigation Monitoring and Reporting Plan requires the LEA to be involved with odor issues regarding the transfer station. The LEA will coordinate with the Bay Area Air Quality Management District on all odor issues. Mitigations relative to traffic impacts are included in the Architectural and Site Approval Conditions of Approval and are consistent with those identified in the EIR and Mitigation Monitoring and Reporting Plan.

On February 4, 2005 the LEA affirmed that their preliminary finding, that the proposed permit is consistent with Alternative No. 4 described in the EIR, and is their final determination.

Based on the complete record provided to Board staff, staff find that the approval of the project allowed in the proposed permit will not have any significant effects that can not be mitigated to less than significant and therefore recommends the environmental documents cited above are adequate for the Board's environmental evaluation of the proposed project for those project activities which are within the Board's expertise and/or powers, or which are required to be carried out or approved by the Board.

2. Staff of the Regional Water Quality Control Board have shared jurisdiction relative to the proposed activities over post closure land use issues at the San Martin Landfill.

**C. Program/Long Term Impacts**

Based on available information, staff is not aware of any program impacts related to this item.

**D. Stakeholder Impacts**

Based on available information, staff is not aware of any stakeholder impacts related to this item.

**E. Fiscal Impacts**

No fiscal impact to the Board results from this item.

**F. Legal Issues**

Based on available information, staff is not aware of any legal issues related to this item.

**G. Environmental Justice**

Community Setting:

The site is bounded to the north and east by agricultural land zoned RR-5Ac. Llagas Creek borders the site to the south. Beyond Llagas Creek is a light industrial facility and equipment yard on land zoned A1-5Ac. Llagas Avenue and an agricultural food processing facility border the western property boundary. The agricultural food processing facility is on land zoned A1-5Ac.

According to the 2000 census, the population of Census Tract 744.05 consists of the following:

US Census Bureau Data Census 2000 – Race, Census Tract 5124.02 County of Santa Clara, California	All Ages	
	Number	Percent
White	4,227	88.3
Black or African American	28	0.6
American Indian and Alaska Native	26	0.5
Asian	351	7.3
Native Hawaiian & Other Pacific Islander	5	0.1
Some other race	10	0.2
Two or more races	144	3.0
Total Population	4,791	100

31.1% of the population in Census Tract 5124.02 identify themselves as Hispanic or Latino. The median household income of the residents in the 2000 census was \$89,669 and approximately 8% of the families were below the poverty level.

Community Outreach:

Because this is a new solid waste facility permit application, the AB 1497 requirements regarding a public hearing have not been applied by the LEA. ~~The proposed project is currently going through the local approval process and at the time this item was written a hearing of the county Planning Commission had been scheduled for February 3, 2004.~~ On February 3, 2005 the Santa Clara County Planning Commission certified the EIR approving Alternative No. 4 as described in the EIR.

Environmental Justice Issues:

Based on available information, staff is not aware of any environmental justice issues related to this project

**H. 2001 Strategic Plan**

Staff work on new or revised solid waste facility permits is completed as part of Goal 4: Managing and mitigating the impacts of solid waste on public health and safety and the environment and promoting integrated and consistent permitting, inspection, and enforcement efforts.

**VI. FUNDING INFORMATION**

This item does not require any Board fiscal action.

**VII. ATTACHMENTS**

1. Site Location Map
2. Site Plan
3. Proposed Permit No. 43-AA-0003
4. Resolution Number 2005-32

**VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION**

- A. Program Staff:** Beatrice C. Poroli  
**B. Legal Staff:** Michael Bledsoe  
**C. Administration Staff:** None

**Phone:** (916) 341-6411  
**Phone:** (916) 341-6058  
**Phone:** N/A

**IX. WRITTEN SUPPORT AND/OR OPPOSITION**

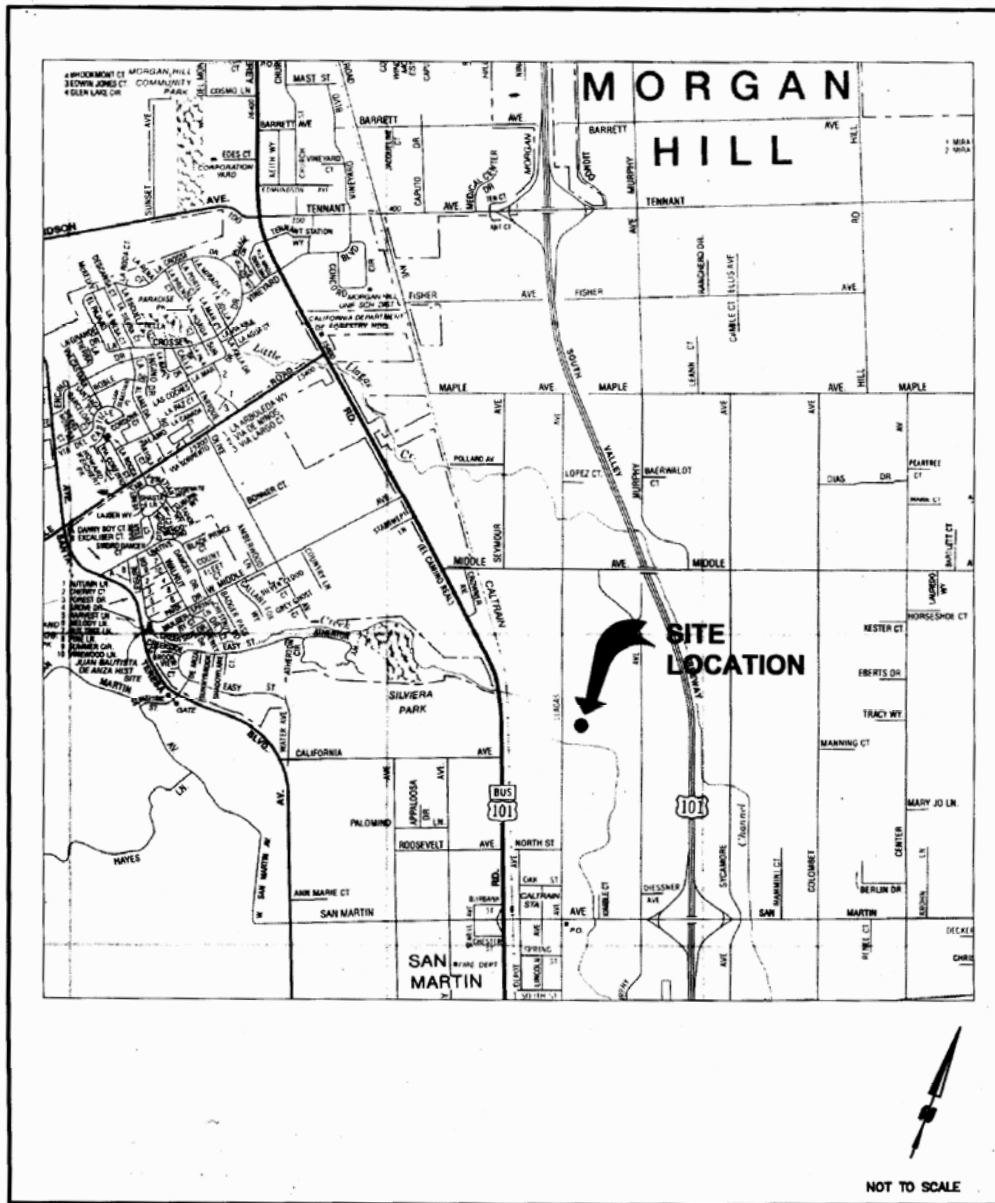
**A. Support**

Staff had not received any written support at the time this item was submitted for publication.

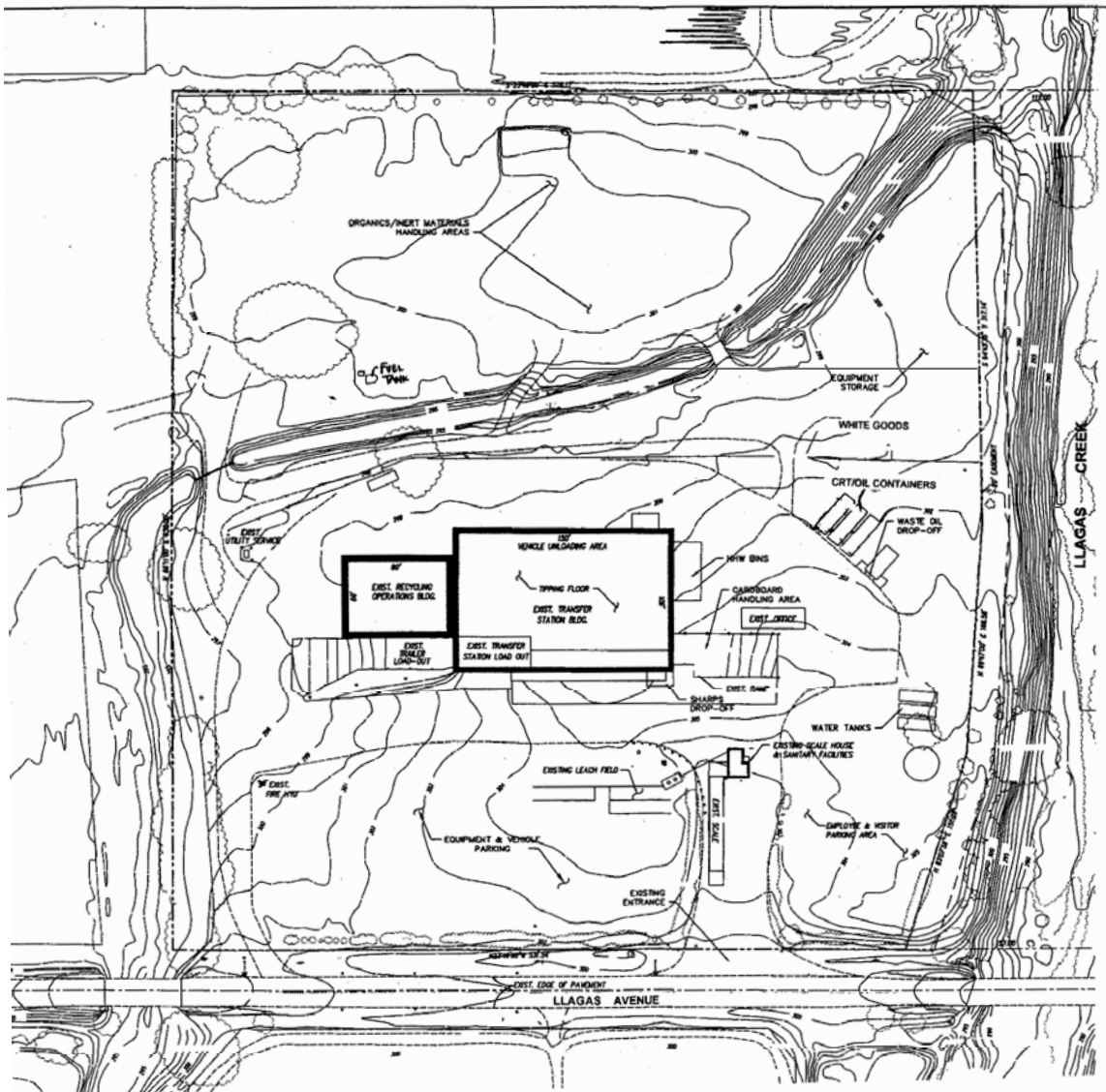
**B. Opposition**

Staff has not received any written opposition at the time this item was submitted for publication.





	<p>SAN MARTIN TRANSFER STATION SANTA CLARA COUNTY, CALIFORNIA</p> <p><b>SITE LOCATION MAP</b></p>	<p>FIGURE <b>1</b></p> <p>Dec 08, 2003 03/04/04 FIGURE 1-5-0116104.dwg</p>
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<b>SOLID WASTE FACILITY PERMIT</b>		<b>Facility Number:</b> <div style="text-align: center; font-weight: bold; font-size: 1.2em;">43-AA-0003</div>																																				
<b>1. Name and Street Address of Facility:</b> San Martin Transfer & Recycling Station 14070 Llagas Avenue San Martin, CA 95046 (408) 683-4420	<b>2. Name and Mailing Address of Operator:</b> South Valley Disposal & Recycling 7110 Alexander Street Gilroy, CA 95020 (408) 842-3358	<b>3. Name and Mailing Address of Owner:</b> Sunset Properties 160 Pacific Avenue, Suite 200 San Francisco, CA 94111 (415) 875-1000																																				
<b>4. Specifications:</b> <p><b>a. Permitted Operations:</b>    <input type="checkbox"/> Solid Waste Disposal Site                      <input type="checkbox"/> Transformation Facility                                                           <input checked="" type="checkbox"/> Transfer/Processing Facility                                      <input type="checkbox"/> Other                                                           <input type="checkbox"/> Composting Facility (Green Material)</p> <p><b>b. Permitted Hours of Operation:</b>    <u>Open to the Public 8:00 a.m. to 4:30 p.m. Monday through Saturday and from 8:00 a.m. to 12:00 p.m. on Sunday (Receipt of Refuse/Waste from the Public) -</u>                                                           <u>Open to Company Vehicles and Operations 6:00 a.m. to 6:00 p.m., seven (7) days per week</u>                                                           (Ancillary Operations/Facility Operating Hours) - The facility will be closed on Easter, 4<sup>th</sup> of July, Thanksgiving, Christmas, and New Years Day.</p> <p><b>c. Permitted Maximum Tonnage:</b>    <u>500</u>    Total Tons per Day - (see LEA condition 17d)</p> <p><b>d. Permitted Traffic Volume:</b>        <u>495</u>    Total vehicles entering site.    Subset peak = 110 trucks per day and on weekend days (see LEA condition - 17e.)</p> <p><b>e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Total</th> <th style="width: 20%;">Disposal</th> <th style="width: 20%;">Transfer/Processing</th> <th style="width: 15%;">Composting</th> <th style="width: 10%;">Transformation</th> </tr> </thead> <tbody> <tr> <td>Permitted Area (in acres)</td> <td style="text-align: center;">8.3</td> <td style="text-align: center;">NA</td> <td style="text-align: center;">8.3</td> <td style="text-align: center;">NA</td> <td style="text-align: center;">NA</td> </tr> <tr> <td>Design Capacity (tons/day)</td> <td></td> <td style="text-align: center;">NA</td> <td style="text-align: center;">1,728 tons per day</td> <td style="text-align: center;">NA</td> <td style="text-align: center;">NA</td> </tr> <tr> <td>Max. Elevation (Ft. MSL)</td> <td></td> <td style="text-align: center;">NA</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Max. Depth (Ft. MSL)</td> <td></td> <td style="text-align: center;">NA</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Closure Date</td> <td></td> <td></td> <td style="text-align: center;">See condition 17j</td> <td></td> <td></td> </tr> </tbody> </table>				Total	Disposal	Transfer/Processing	Composting	Transformation	Permitted Area (in acres)	8.3	NA	8.3	NA	NA	Design Capacity (tons/day)		NA	1,728 tons per day	NA	NA	Max. Elevation (Ft. MSL)		NA				Max. Depth (Ft. MSL)		NA				Closure Date			See condition 17j		
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Closure Date			See condition 17j																																			
Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.																																						
<b>5. Approval:</b>  <div style="border-top: 1px solid black; margin-top: 10px; display: flex; justify-content: space-between;"> <span>Approving Officer Signature</span> <span>Ben Gale, Director of the Department of Environmental Health</span> </div>		<b>6. Enforcement Agency Name and Address:</b>  Santa Clara County Department of Environmental Health 1555 Berger Drive, Suite 300 San Jose, CA 95112-2716																																				
<b>7. Date Received by CIWMB:</b>  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">FEB 09 2005</div>		<b>8. CIWMB Concurrence Date:</b>																																				
<b>9. Permit Issued Date:</b>	<b>10. Permit Review Due Date:</b>	<b>11. Owner/Operator Transfer Date:</b>																																				

<b>SOLID WASTE FACILITY PERMIT</b>	Facility Number:  <div style="text-align: center; font-weight: bold; font-size: 1.2em;">43-AA-0003</div>		
<b>12. Legal Description of Facility:</b>  The legal description of this facility is contained on <u>page 1</u> of the <u>Transfer/Processing Report</u> dated <u>October 2004</u> . APN: 825-08-051 & -002; 14070 Llagas Avenue, San Martin, CA 95046			
<b>13. Findings:</b>  <ol style="list-style-type: none"> <li>a. This Solid Waste Facility Permit (SWFP) is consistent with the <u>Santa Clara</u> County Integrated Waste Management Plan, which was approved by the CIWMB in <u>November 1995</u>. The location of the facility is identified in the <u>Non-Disposal Facility Element</u>, pursuant to Public Resources Code (PRC), Section 50001(a).</li> <li>b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.</li> <li>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.</li> <li>d. The <u>County of Santa Clara</u> Fire Department has determined (through the Conditional Use Permit process) that the facility is in conformance with applicable fire standards, pursuant to PRC 44151.</li> <li>e. An <u>EIR</u> was filed with the State Clearinghouse (SCH #2002052087) and certified by the <u>County of Santa Clara</u> on <u>2/3/05</u>. The <u>EIR</u> describes and supports the design and operation which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on <u>2/9/05</u>.</li> </ol>			
<b>14. Prohibitions:</b>  <ol style="list-style-type: none"> <li>(a) The permittee is <u>prohibited</u> from accepting the following wastes:             -Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, special, septic tank pumpings, sewage sludge, hazardous waste sludge, large dead animals (i.e. horses), or other wastes requiring special treatment or handling, except as identified in the <u>Transfer/Processing Report</u> and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.         </li> <li>(b) In addition, the permittee is <u>prohibited</u> from <u>allowing public and/or employee scavenging</u>.</li> <li>(c) <u>Exceptions:</u>            -<u>Hazardous or designated waste found as a result of the Hazardous Waste Exclusion/Load-Check Program may be stored on site in compliance with all applicable federal and state storage and disposal regulations.</u>            -<u>Waste oil, used oil filters, antifreeze, batteries, CRT's, universal wastes, household generated sharps, and white goods containing CFC's, may be accepted from the public drop-off and curbside collection programs.</u> </li> </ol>			
<b>15. The following documents describe and/or restrict the operation of this facility:</b>			
Document	Date	Document	Date
<u>Transfer/Processing Report</u>	<u>October 2004</u>	<u>EIR (SCH #2002052087)</u>	<u>2/3/05</u>
IIPP - Injury, Illness Prevention Plan	Feb. 2004	Land Use and/or Conditional Use Permit <u>F#8333-71-02P</u>	<u>2/3/05</u>
APCD Permit to Operate - <u>Plant #6369</u> , Application #6618	<u>1991</u> (annual renewal)	NPDES Permit # <u>3 43S000135</u>	Oct. 23, 1992
"Approved Home Generated Sharps Consolidation Point" Authorization Form	Oct. 18, 2004	RWQCB permit or waiver -WDR 72-34	Oct. 1972

## SOLID WASTE FACILITY PERMIT

Facility Number:

43-AA-0003

### 17. Local Enforcement Agency (LEA) Conditions:

- a. The operator must comply with all applicable State Minimum Standards for solid waste handling as specified in Title 14, California Code of Regulations; and furthermore, the operator will operate in conformance with the descriptions and procedures of the final TPR.
- b. The operator must maintain and keep up to date a log of special/unusual occurrences. This log must include, but is not limited to, flooding, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry must be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log must be kept on-site and made available to site personnel and the LEA upon request.
- c. Additional information concerning the design and operation of the facility must be furnished upon request and within the time frame specified by the LEA.
- d. The maximum permitted daily tonnage for all material types at this facility is 500 tons per day (TPD). The facility must not receive more than these amounts without a revision of this permit.
- e. The maximum permitted traffic is 495 vehicles per day (VPD) entering the site. A subset peak of 110 South Valley Disposal and Recycling, Inc. and/or San Martin Transfer Station (Company) trucks per day on weekdays and some trucks on weekends. The peak of 110 Company trucks per day has subset peaks of 85 inbound route collection vehicles and 25 outbound transfer trucks/trailers. The facility must not receive more than these amounts without a revision of this permit.
- f. This permit is subject to review by the LEA and may be suspended, revoked, or revised at any time for sufficient cause.
- g. The LEA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
- h. Any change in the design or operation of the facility that would cause the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change (as determined by the LEA), requiring a permit revision. The operator may not implement any significant change without first submitting a written notice of the proposed change, in the form of a Permit Revision, to the LEA at least 180 days in advance of the change.
- i. Effective litter control measures must be undertaken along all access roads and Llagas Avenue.
- j. Unless this permit is revised to extend this condition, this permit will expire on February 3, 2010. Sixty days prior to the expiration date, the operator shall submit a plan to the LEA addressing the waste removal and the closure of the site.
- k. Effective and safe traffic control measures must be devised and implemented to prevent vehicles from queuing onto Llagas Avenue and blocking lanes. If vehicle queuing becomes a problem (as determined by the LEA), additional traffic control measures will be required. Such measures may include but not be limited to: relocation of the Scale House; multiple entry lanes or entry redesign. Failure to effectively remedy traffic problems on Llagas Avenue will result in permit suspension.
- l. Source-separated food waste and/or source-separated food waste commingled with yard waste will not be accepted unless the TPR is revised to include appropriate mitigation measures.
- m. The operator shall notify the LEA of all odor complaints so that the LEA can refer the matter to the local Air District for enforcement and/or follow-up. Odor complaints must also be logged into the Odor Complaint log book maintained at the facility.

## **CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

### **Resolution 2005-32 (Revised)**

Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Station) For The San Martin Transfer & Recycling Station, Santa Clara County

**WHEREAS**, the Santa Clara County Environmental Health Department, as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence with, or objection to, a new full solid waste facility permit for San Martin Transfer & Recycling Station; and

**WHEREAS**, South Valley Disposal & Recycling, the operator, proposes to operate a large volume transfer/processing facility; and

**WHEREAS**, the County of Santa Clara ~~Planning Office~~, acting as the Lead Agency, prepared a ~~Draft~~ and certified on February 3, 2005 an Environmental Impact Report (EIR), State Clearinghouse (SCH) #2002053087, to comply with the requirements of the California Environmental Quality Act (CEQA) ~~that has not yet been certified~~; and

**WHEREAS**, the Santa Clara County Planning Commission approved Alternative No. 4 as described in the EIR, and adopted a Mitigation Monitoring and Reporting Plan; and

**WHEREAS**, the solid waste facility permit prohibits the acceptance of food waste as a separate waste stream at the site without first implementing mitigations; and

**WHEREAS**, the LEA will coordinate any odor issues regarding the transfer station with the Bay Area Air Quality Management District; and

**WHEREAS**, mitigation measures identified to reduce the impact from traffic will be implemented through the Architectural and Site Approval Conditions of Approval; and

**WHEREAS**, the LEA has certified that the application package is complete and correct and that the proposed permit is supported by the CEQA documentation; and

~~**WHEREAS**, the Board finds that CEQA has not been completed by the lead agency and no CEQA document has been adopted or certified; and~~

~~**WHEREAS**, the LEA has not made the finding required by Title 27 Section 21685(b)(9); and~~

~~**WHEREAS**, compliance with Section 21685(b) (9) is required by Public Resources Code 44009;~~

(over)

**WHEREAS,** the Lead Agency adopted findings for each significant environmental effect of the project to the effect that changes or alterations were required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Project EIR, which findings the Board hereby adopts as its own; and

**WHEREAS,** the Board finds that the proposed permit is consistent with CEQA and that all impacts are mitigated to less than significant;

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board ~~objects to the~~ concurs with the issuance of the Solid Waste Facility Permit No. 43-AA-0003.

### **CERTIFICATION**

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on February 15-16, 2005.

Dated:

Mark Leary  
Executive Director